

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

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ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
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ANITA E. MURRAY,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

No. CIV-04-1682-W

ORDER

On November 28, 2005, United States Magistrate Judge Shon T. Erwin issued his findings in this matter and recommended that this Court reverse the decisions of the defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff Anita E. Murray disability insurance benefits and supplemental security income and remand the matter for further administrative proceedings. The parties were advised of their right to object to the Magistrate Judge's findings and his recommendation, but neither party has objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decisions as well as remand of this matter is warranted for the reasons stated by Magistrate Judge Erwin. Such actions will afford the administrative law judge the opportunity to properly consider and evaluate the opinions of Murray's treating physicians, including William R. Mays, M.D., and in accordance with Social Security Ruling 96-6p, to discuss and weigh the opinions of agency consultant, Frank Edwards, Ph.D., inter alios, in assessing Murray's residual functional capacity.

Accordingly, the Court

(1) ADOPTS the Findings and Recommendation issued on November 28, 2005;

(2) REVERSES the Commissioner's decision to deny Murray's Application for Disability Insurance Benefits and her decision to deny Murray's Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with Magistrate Judge Erwin's Findings and Recommendation; and

(4) ORDERS that judgment issue forthwith.

ENTERED this 22nd day of December, 2005.


LEE R. WEST
UNITED STATES DISTRICT JUDGE